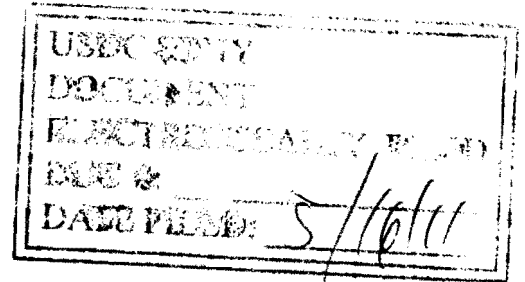


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff,	:	10 Civ. 9239 (JSR)
	:	
-v-	:	<u>ORDER</u>
	:	
VITESSE SEMICONDUCTOR CORPORATION,	:	
LOUIS R. TOMASETTA, EUGENE F.	:	
HOVANEC, YATIN D. MODY, NICOLE R.	:	
KAPLAN,	:	
	:	
Defendants.	:	
-----	X	
JED S. RAKOFF, U.S.D.J.		



On April 19, 2011, non-party Nu Horizons Electronic Corporation ("NuHo") moved to quash the subpoenas issued by defendants Tomasetta and Hovanec requesting the production of handwritten notes taken during NuHo's internal investigation. Defendants Tomasetta and Hovanec simultaneously filed a motion to compel the production of these notes. On April 29, 2011, the Court heard oral argument on these motions and subsequently conducted an in camera review of the notes in question. For reasons that will be stated in a forthcoming written opinion, NuHo's motion to quash is hereby denied and defendants' motion to compel is granted. These rulings are, however, without prejudice to NuHo's submitting to the Court a proposed protective order to limit disclosure of the handwritten notes to parties other than the parties to this lawsuit.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
May 13, 2011